IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

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WRIT PETITION No.16223 of 1997

Dated: 14-03-2007

Between:

Harijana Nallappa

..... PETITIONER

AND

1.The District Collector,
Anantapur and 2 others.

.....RESPONDENTS

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The Hon'ble Sri Justice Nooty Ramamohana Rao

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Writ Petition No.16223 of 1997

Order:

This Writ Petition has been instituted seeking directions to the respondents to assign the land of an extent of Ac.2.00 in Survey No.190/1 situated at Talagasipalli Village, Hamlet of Garladinne Mandal, Anantapur District, in favour of the writ petitioner.

The writ petitioner has asserted that he had occupied the aforementioned land during the year 1974 and that he

had been cultivating the same by raising crops. The writ petitioner further asserts that he had also submitted an application for assignment of the said land in his favour. His application soliciting assignment has been endorsed by the first respondent-District Collector for enquiry to the third respondent-Mandal Revenue Officer at Garladinne. The Mandal Revenue Officer through his proceedings dated 18-01-1997 rejected the request of the writ petitioner on the ground that the land of an extent of Ac.6-16 cents situated in Survey No.190/1 in Talagasipalli Village, Garladinne Mandal has been classified as "Tank bed poramboke (Cheruvu Thottu)" and that the State Government has announced its policy decision through G.O.Ms.No.157, Revenue (M) Department, dated 13-02-1987 prohibiting assignment of the tank bed lands in favour of any individuals.

The third respondent-Mandal Revenue Officer had filed a counter-affidavit and he had also enclosed the extract of the Revenue record to show that the land of an extent of Ac.6-16 cents situated in Survey No.190/1 has, in fact, been classified as "Tank bed poramboke (Cheruvu Thottu)" and therefore, it is prohibited from being assigned. In

paragraph 6 of the counter-affidavit, it is further stated that the land in Survey No.190/1 is, in fact, reserved for potters for making pots as per the orders passed by the first respondent-Collector in his proceedings *viz*., R.Dis.No.11974/57, dated 21-01-1958. For this reason

also, the counter-affidavit asserts that, the request of the writ petitioner to assign the land in question in his favour cannot be conceded. This apart, the counter-affidavit further asserts that the writ petitioner is a retired employee of the Irrigation Department of the State Government and that he has been receiving his monthly pension and consequently, he is ineligible for being assigned any land.

I consider that the Policy of the State Government announced that its G.O.Ms.No.157 prohibiting assignment of tank bed lands in favour of any individual (s) is a salutary one, as, such lands deserve to be preserved. This apart if the Writ Petitioner was in the employment of the State Government and subsequently started earning monthly pension he is not eligible to seek assignment of land. The main purpose and objective behind the concept of assignment of land in favour of poorer segments of the society is to provide them with adequate means of livelihood as also to ensure the ownership and control of the material resources of the community are distributed to subserve the common good. These are the principles enunciated in clauses (a) & (b) of Article 39 of our Constitution. Hence, the action of the respondents in not assigning land in favour of the Petitioner cannot be faulted.

For the aforesaid reasons, the Writ Petition does not contain merit and it is, accordingly, dismissed. No costs.

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(Nooty Ramamohana Rao, J)

14th March, 2007
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